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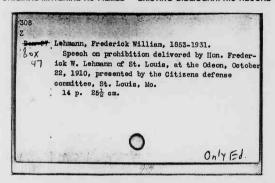
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## Speech on

# **PROHIBITION**

Delivered by

## HON. FREDERICK W. LEHMANN

of St. Louis, at the Odeon October 22, 1910





Presented by
THE CITIZENS DEFENSE COMMITTEE
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OR the advocates of the amendment to the Constitution prohibiting the manufacture and sale of all alcoholic liquors for use as a beyonerage I have the most profound respect. Their motives are beyond challenge. The evils of drunkenness are great and apparent and appeal for remedy to the heart and mind of every man who has any regard for the welfare of humanity.

Prohibition commends itself as a simple and direct plan. If there is no drunkenness, and so the advocates of that policy say, "Let us lay the axe at the root of the tree and bring it to the ground." But is such a radical measure possible of execution, and, if possible, is it desirable? The problems of humanity are not usually so simple as this proposed remedy would indicate, and it may be that the present case is no exception to the general rule.

Some results are sure to follow from the mere adoption of this amendment. The business of making and selling alcoholic beverages of any and every kind will at once be rendered absolutely illegal. The large brewing establishments of this city must close down. The property used in that industry and in everything related to it will become idle; men employed must seek other callings. It is not necessary for anyone, either a resident of St. Louis or a non-resident, to tell our people what this would signify. The extent of the brewing industry in this city lies open to view, and it is not difficult to approximate the number of people directly and indirectly dependent upon its continued conduct. The material loss to those who are engaged in it and to those who are dependent upon it, will be enormous and overwhelming, and until conditions have readjusted themselves, which we may be sure will not be for many years, every industry in the city must suffer.

The revenue derived by the city from saloon license is more than a million of dollars a year. The revenue derived from direct taxes upon property, real and personal, is something above seven millions of dollars a year. With the revenue from licenses lost, the deficit must be made up by direct taxation upon property, and will involve an increase of nearly fifteen per cent.

I do not offer this as in itself a reason why the prohibition amendment to the Constitution should be defeated, because it may be that this price, that this material sacrifice, is, after all, not too much to pay for the moral benefits resulting.

But what reason have we for supposing that we shall gain the promised good? Such a revolution in social conditions, such a radical change in the habits of the people as would result if prohibition were made effective, has never yet been accomplished or even attempted in a city of Christian civilization with a population as large as that of St. Louis.

#### Obstacles are too Great

HE difficulties in the way of enforcement of the policy seem to me to be insuperable. The State of Illinois has not adopted, is not proposing to adopt, the policy of prohibition, and there would be at our very doors a constant source of supply of intoxicating liquors. We have not found it altogether easy to control the traffic in such measure as we would like when we could hold it under legal sanction and legal restraint. How much less could we hope to do so when the sanction and restraint are both abandoned?

There has been much controversy as to the efficacy of prohibition in those states in which it has been tried, and the testimony with respect to this is conflicting in the highest degree. A prohibitory law was enacted in the State of Maine in the year 1851, and has been continuously in effect ever since with exception of the two years 1856 and 1857. Notwithstanding the fact that two generations of men in Maine have grown up under this law, it is still the subject of angry controversy among them, and it is said that the last election turned largely upon the tissue.

Prohibition has never been fairly and fully tried in any State of the Union. It has been under some disadvantages because it has been permissible, notwithstanding the State adopted a prohibitory policy, for individuals to bring liquors into the State from without for their own use. Upon the other hand, it has been at an advantage because in the discussion it has been assumed that its efficacy was to be tested by the measure in which liquor was sold in the State, but inasmuch as the purpose of prohibition is to prevent the use, the fair test to apply to it is to ascertain the extent of that use, and prohibition cannot, in any State, be considered effective unless the people of that State, with such exceptions as exist in the case of any penal law, abstain, not simply from the sale, but from the use of alcoholic beverages.

The rich and the well-to-do have no more right to indulge themselves at their clubs and at the sideboards of their homes than have the poor to indulge themselves at the corner grocery, and no man has a moral right to vote for prohibition who, by evasion of the law, by the importation of liquors from without, supplies his own demands; he has no right to enforce upon his fellowmen less fortunately situated a policy which will compel them to a mode of life to which he does not submit himself.

Such was the opinion of Mr. Gladstone. Writing to a friend, he said: "I am glad that you were not scandalized about my laxity as to the 'public house.' But I expected from you this liberality. I really had no choice. How can I who

drink good wine and bitter beer every day of my life, in a comfortable room and among friends, coolly stand up and advise hard-working fellow creatures to take the pledge?"

#### Invasion of Domestic Life

ROHIBITION cannot be justified except upon the broad ground that the State rightfully may and should prohibit absolutely the use by its people of any alcoholic beverages, however mild, and in any measure, however mild, and in any measure, however mild, and in any measure with the sincere supporters it shall do. The pending amendment is not simply a measure against the saloon; it does not mean simply the abolition of public drinking places, but it is in purpose and effect a measure governing the personal habits of individual citizens, constraining them to total abstinence, from the use of what many of them, good and orderly people, believe to be harmless and even beneficial when indulged in moderation. And it is in this view, as a measure of compulsion and constraint of individuals in the matter of what they may eat and drink that this amendment is to be judged; in this view it is either to be commended or condemned.

Is it consistent with our institutions, is it conducive to a stronger manhood and a higher citizenship, that the government shall thus invade the domestic life of the people; that one man in a matter of such peculiar personal concern shall be under the domination of his neighbor? We do not admit the sphere of government to be co-extensive with the entire life of the individual. We assert a large measure of personal freedom. Every act of man has some effect upon his fellows, direct or indirect. If there is nothing else, there is the influence of example. But if every indirect effect of a man's acts upon his fellows shall give to the government the right of control over them, there are no bounds to its powers. He may be constrained then, not only in his drink, but in the whole of his diet, in his dress, in his speech, in the comfort and luxury of his home, in his labors and in his recreations. Among some peoples government has gone to this extent, but such governments are not free, and they are alien to the genius of our people. It matters not whether the tyranny is exercised by a despot or by a majority, it is oppressive none the less, and none the less hurtful in its consequence.

Everything is not to be done by law. Much, very much, must be left to the individual conscience and to individual responsibility. Education, culture, experience, persuasion, social influence have their place in the development of the race. Liberty should be restrained only where its exercise is directly hurtful. The law well says that a man shall not steal, but it does not venture to restrain covetousness or avarice in every degree. It does not condemn thrift because that may easily pass into greed.

What can be more important to a religious people than the observance of their ceremonials and the acceptance of their creed? If faith is essential to

salvation hereafter, no man is so great an enemy to his kind as he who would overthrow that faith. No harm that he could do to any temporal interest would compare with the imperiling of immortal souls. And in this view governments once exerted their powers. The king, if the government was a monarchy; the majority, if it was a republic, determined what was the true religion and sought to compel its acceptance. But although the land was drenched with the blood and lighted with the fires of persecution, the church was not strengthened unless the spirit of the people was broken. Among all the stronger nations of the earth, among those who have carried forward the higher civilization, liberty of conscience and freedom of religious worship were maintained, and the church today with its precepts of charity and of brotherly kindness is doing for itself and for its children more and better than sword and fagot have ever done.

#### The Limitations of Censorship

HERE is a power for evil in the mere word, whether it be spoken or written. It may be inspired by passion or by malice; it may carry slander of good men and detraction of good deeds upon its wings to the uttermost parts of the earth, but we have entrenched freedom of speech and of press along with freedom of conscience in the bill of rights of every American Constitution. The freedom may be abused, and every day it is abused; every day pens are steeped in venom and tongues are tipped with hate, and we forbid them not. We leave free the use of speech and press and impose punishment only upon the abuse. The censorship of the press has had its advocates and has not been wanting in arguments for its support. Why should we permit the printing of a book, if, in our opinion, its teaching be false or its influence pernicious? And so there have been many who would make Shakespeare a sealed volume and a barren waste of the whole field of romance which has blossomed so beautifully and beneficiently under the genits of Scott and Thackeray and Dickens.

The stage has its evils, and many in time past, and some even now, believe it to be without any real utility. The Puritans of England would not tolerate the drama of the Elizabethan era, but following the suppression of this was the reaction manifested in the lewd drama of the Restoration. Dancing, bell-ringing, whatever could contribute to the pleasure of man, woman or child, has at some time been placed under the ban of the law upon the plea that it was probably hurtful and certainly useless by those who wish to see the world colored all in drab and hung about with crape.

The introduction of tobacco met with a counterblast from King James, and in some countries its use was prohibited under the severest penalties. Tea and coffee have been looked upon with a forbidding eye. Dress, which could not be prohibited altogether, has been the subject of restriction and regulation that personal vanity might not lead to ruinous extravagance. Even funeral expenses have been subjected to limitation by law. Everywhere, and at all times, there have been some so sure of the propriety of their own mode of life that they were

ready to impose it upon their fellows in all its details. No doubt, people indulge themselves now in many things beyond their means. They buy automobiles when they cannot afford them, and, having bought them, use them often to the peril of their fellowmen. But we leave each man to judge tor himself whether he will buy an automobile or not, and content ourselves, so far as law is concerned, to restrict the speed at which he may run it through the streets where others have a right of way equal to his own.

The experience of the world has shown that government to be best which meddles least with such matters of personal conduct and concern; not as approving folly or excess of any kind, but as finding the best corrective of all such disorders in the good sense of the people themselves. The development of character, which will express itself in higher standards of conduct, in a cleaner, better, fuller life, comes not from coercion, but from individual liberty coupled with individual responsibility for the exercise of that liberty.

#### Crime and its Incentives

ROHIBITION is in no way an exception to the sumptuary legislation which has been tried only to be discarded in free countries. It is asserted, harmful, that it is the fruitful cause of alcoholic liquors that their use is always and only harmful, that it is the fruitful cause of nearly all our crimes, and that the State has, therefore, a right to protect itself by directly and immediately removing the cause of crime.

That the use of intoxicating liquors is associated with some crimes admits of no doubt, but there are crimes and crimes. Some are easily defined by statute, easily indicted and easily punished. But there are crimes, also, which it is difficult to define by statute, difficult to indict and difficult to punish. These are the crimes which spring from ambition and avarice, from the lust of power and the lust of wealth. And these are the crimes by which humanity is most oppressed. To them liquor is neither an inciting cause nor is it a helpful ally.

The imperial lust of Napoleon, which carried death into every home in France, was not inspired by the fruit of its vineyards. The campaigns in which the flower of French youth was consumed like stubble by the fire were not planned over the winecup. The financial crimes which characterize the present age are deeds of soberness. Governor Stubbs is the leader of the insurgent party in Kansas. Against what is he an insurgent? Surely not against crimes of drunkenness. Prohibition was enacted in Kansas nearly thirty years ago, and the Governor denounces as a lie the statement that it has not been successful. The present generation of the men of Kansas have not then felt the evils of drink, and surely for them has the kingdom come and the year of jubilee.

Turning from the speeches of the Governor made in this city to those made by him in his own State, and we find that Kansas, though free from drink.

is not free from crime. He is angry and insurgent against predatory wealth, against trusts and monopolies, which use their own vast powers and pervert the powers of government itself, to the spoliation of his people. These surely are not crimes of drunkenness, or, if they be so, then drunkenness is a source of power and not of weakness to the individual. All our elaborate schemes of stock watering and stock jobbing, our speculative enterprises which reap where they have not sown, need for their consummation a head that is clear and a heart that is cold. The bungling burglar may be a drunkard, but not so the high financier. The vices of physical habit are apparent upon the individual who indulges them; he bears upon his features the marks of their ravages. The vices of mental habit betray themselves in no such vulgar way, but they are all the more dangerous because they do not so disclose themselves. The love of money is the root of all evil, the Book of Wisdom tells us, and if this be so the love of wine is not.

But leaving this class of crimes which springs from avarice and ambition, and turning to the common crimes of which the law can and does take ready cognizance, is it true that nearly all or most of these are due to drink? I do not believe it. If it be true, then such crimes should most abound among the nations most addicted to drink, and if there is among the nations any which is free from the habit of drink we should find it free from crime.

#### An Historical Application

UCH a nation there is, and twelve hundred years ago it contended for the mastery of the world. On the field of Tours in the year 732 under the lead of Abdermane was gathered under the banner of the Crescent an army of Saracens for attack upon Western and Christian civilization. They were a sober people, constrained to sobriety by the mandates of their religion. Malomet had, like the prohibitionists of our own day, denounced drink as "the mother of all sins," and he had compelled his followers to total abstinence. Against the Saracens, under the leadership of Charles Martel, and upholding the banner of the Cross, was an army of those Germanic people of whom Tacitus has given us such a vivid picture. They were not an abstemious folk. They indulged themselves, and often to even great excess. Six long days these armies contended, but at last Martel prevailed and the invasion of Europe by the Saracen was turned back. The battle of Tours is accounted one of the decisive battles of the world. Was it a misfortune for humanity that the Cross prevailed against the Crescent? that the Teuton rather than the Trut should dominate in Europe today?

But all dominion did not pass from the Mohammedan on the field of Tours. The followers of the Prophet today number nearly two hundred millions. The mandate of the Koran against the use of wine stands unrepealed and the faithful still obey. Compare these people with the descendants of the followers of Charles Martel. On which side is the cleaner life in private and in public? Where prevails the higher standard of morality, in Turkey and in Asia, or in the rest of Europe and in the United States. The disciples of Buddha and Confucius, too, refrain from the use of wine, but despite their abstinence theirs is a stagnant civilization of merely passive virtues. The greatest progress, material or moral, has not been made by the ascetic nations. The achievements which have advanced humanity have been those of the strong robust Aryan nations, the Greek, the Roman, the Celtic and the Germanic. Among these Art and Philosophy have flourished, Law has been developed, Liberty established and the Brotherhood of Man fostered. Emphasizing this is the marked exception among the Semitic nations, the Jews. They have not been an ascetic people; no mandate of their law, no precept of their religion forbids the use of wine in moderation; only a warning against excess. And this people are the wonder, the miracle of the ages. Driven by the adverse fortunes of war from their native land, exiles and wanderers over the face of all the earth and throughout the centuries, scorned, despised, persecuted and oppressed everywhere, they have kept themselves superior to every vicissitude of fate and their representatives today are found among the leaders in every field of high and useful endeavor.

We need not confine the comparison to nations so different as the Teutons and the Turks. Compare the people of Europe with each other: The people of Spain, if you will, with those of Holland. Spain has ever been a temperate Country. In the long wars with the Netherlands, the Spaniards looked with disgust upon the Dutch as gluttons and as drunkards. And if in respect to this single habit we compare the two peoples today the advantage would lie with the Spaniards. How different the result when we extend the comparison to all their habits and all their characteristics.

It would be absurd to ascribe the achievements of the Germanic peoples to their use of alcoholic stimulants, but no more absurd than to charge to this use their failures, their follies and their crimes. Human nature is not so simple as the advocates of prohibition deem it to be. It cannot be redeemed from all its vices and weaknesses by a mere change of diet. "There is nothing from without a man, that entering into him can defile him; but the things which come out of him, those are they that defile the man." Drunkenness is no doubt sometimes an immediate cause of crime, but as often it is a mere accompaniment. We need not subscribe to the doctrine of that school which teaches that all the causes of crime are congenital; that they are due to perverted and abnormal conditions of birth, which prevent orderly growth and development.

#### Where Accountability Lies

HERE is good and there is evil in the conduct of men, and there is a proper moral accountability for human conduct. But there is a defect, a so. They are lacking in self-discipline and self-control, and they yield to the temptation to drink as they yield to other temptations. They are dissipated as they are indolent and thriftless. The drink habit is in some cases a primary cause of crime and poverty and has sins enough to answer for, but we only excuse ourselves when we attribute all or most of the crime and misfortures of our

fellowmen to their weakness for drink. After we have charged to this account all that may fairly be done, it remains true that

"Man's inhumanity to man Makes countless thousands mourn."

There is injustice in the social order which the wine press did not establish; there were grievances which would not be remedied if never again there was fermentation of the juice of the grape. Ameliorate the conditions of life for those who suffer from that injustice and who are broken by the burden of those grievances, open widely the door to the higher delights of life, and the lower sensual pleasures, often resorted to as a mere means of oblivion, will lose their attraction.

It is possible, because it has been done among the followers of Mahomet, Buddha and Confucius, to compel abstinence from the use of liquor, but it is not possible, and in any event it has never been done, to compel abstinence from the use of all stimulants. The demand for a stimulant of some kind is universal. From time immemorial every nation on earth, unless it be some in the lowest depths of savagery, has resorted to some means for raising its conditions of mental and physicial activity by artificial stimulants. It is hard to believe that a desire so universal and which seems to be instinctive is wholly bad. But, like every other desire of man, it has its abuse and its use. And we cannot fairly deal with the one if we do not recognize the other. Wine comes in for early mention in the Bible, and is frequently spoken of both in commendation and in warning. The Psalmist praises the Lord for the "wine that maketh glad the heart of man," and his wise son cautions against tarrying long at the cup. Where one stimulant has been denied, another has been substituted. The people who have been constrained to forego the juice of the grape have taken to the more destructive juice of the poppy. From Turkey, from India and from China the alcohol has been driven out, but opium has crept in. A supervision sufficient to prevent the use of any stimulant would involve an espionage by government destructive of all freedom and degrading to any people who submitted to it. You may banish the milder stimulants, but if human nature remains the same, some other stimulus, more convenient for concealment, but more injurious in its effects, will take their place.

Heavy taxes upon malt liquors and upon light wines made the ginshop flourish in England. Wise statesmanship has always encouraged the use of the milder beverages as a means of temperance. Prohibition falls most severely upon malt and vinous liquors because of their greater bulk, and incites to the use of strong drink or stronger drugs.

#### Thomas Jefferson's Views

R. JEFFERSON recommended as an honest and useful man a Captain Miller who was about to establish a brewery, and expressed a desire that the beverage of the brew-house should become common instead of the cheap whiskey of his time which was working great ruin. Writing to William

Henry Crawford in 1818, and commenting upon the Dallas tariff, he approved a light tax upon the importation of light wines, saying:

I think it is a great error to consider a heavy tax on wines as a tax on luxury. On the contrary, it is a tax on the health of our citizens. It is a legislative declaration that none but the richest of them shall be permitted to drink wine, and in effect a condemnation of all the middling and lower conditions of society to the poison of whiskey, which is destroying them by wholesale and ruining their families. Whereas, were the duties on the cheap wines proportioned to their first cost the whole middling class of this country could have the gratification of that milder stimulus, and a great proportion of them would go into its use and banish the baleful whiskey. Surely it is not from the necessities of our treasury that we thus undertake to debar the mass of our citizens the use not only of an innocent gratification, but a healthy substitute instead of a bewitching poison. This aggression on the public tasts and comfort has ever been deemed among the most arbitrary and oppressive abuses of the English government. It is one which I hope we shall never copy.

Hamilton, differing with Jefferson on many things, agreed with him in this. He urged the tax upon distilled spirits as tending to diminish their use and because "it would encourage the substitution of cider and malt liquors."

In the Digest of Manufactures submitted to Congress by Madison in 1814, it was said:

The moralizing tendency and salubrious nature of fermented liquors—beer, ale, porter and cider—recommend them to a serious consideration, and particularly in our own country.

This policy of discrimination in behalf of lighter beverages, although favored by our leading statesmen, was not at once carried out. The distilling interest was strong and popular. Many people were engaged in it upon a small scale. This accounts for the rebellion in Pennsylvania against a tax averaging about ten cents per gallon. Nearly every farmer had his still and whiskey was used as a medium of exchange at the country stores, passing current at a shilling the gallon. The tax was for a limited term, and when the term expired it was not renewed.

Brewing was a new and almost unknown art. With whiskey cheap and abundant, and the milder beverages scarce and high in price, conditions in respect to temperance were at the worst. In 1817 New York, with a population of one hundred thousand, had eighteen hundred licensed dramshops. The brewing industry was not fairly inaugurated here until about 1840, and since then the results have verified the anticipations of Jefferson, Hamilton and Madison, and malt liquors have largely taken the place of distilled spirits, the consumption of the latter being today much less than one-half per capita than in the early days of the Republic.

#### Freedom Brings Progress

HE prohibitionists assert always that intemperance is an increasing evil.

And this must be so, if their view of the nature of liquor and of the character of man is a correct one. Their whole theory rests upon the assumed incapacity of man for self-control. Left free he must degenerate, and so they find compulsion to be the only remedy.

A survey of the history of the Germanic peoples proves that freedom has not been their undoing, but, more than anything else, has been the cause of their procress.

Tacitus, describing them as they were at the opening of the Christian era to his Roman fellow-citizens, says:

Their beverage is a liquor drawn from barley or from wheat, and like the juice of the grape fermented to a spirit. \* \* \* But they do not drink merely to quench their thirst. Indulge their love of liquor to the excess which they require, and you need not employ the terror of your arms; their own vices will subdue them.

So our prohibitionists judge of men by this single trait. But in his prophecy Tacitus was leaving out of mind other characteristics more important than that he was taking into account. He left out of mind their love of freedom, which he himself says amounted to a passion, their political organization in which was contained the germ of our free and representative institutions, the sanctity of their domestic relations, for "none there looked upon vice with a smile or called mutual seduction the way of the world," and the home, a word they gave to human speech, reared by the one man for the one woman and the children born of their union. Some notion he had of these things, for he says that among these savages good habits had more force than good laws elsewhere.

And by their virtues, not by their vices, their future was to be determined. Other legions than those of Varus were to go down before the shock of their arms. Upon the ruins of Roman civilization they were destined to build a better, preserving all that was good of the old law and order, but combining with these a broader humanity, a larger freedom and a responsible individualism. Their vice of drink could subdue them no more than could the terror of Roman arms Through their liberty they have come to an increasing self-control and mastery of their habits. This is true in Germany, in Great Britain and in this country, wherever they have gone. Read the literature of England and through all tearlier pages, throughout Chaucer and Shakespeare, you hear the clink of glasses and the sound of wild revelry. Very different in this respect is the literature of the present. There runs no sack nor sherry through the lines of Tennyson or Longfellow, and every page attests a cleaner, purer personal life.

The history of our own country exhibits a great progress in temperance, and it is not due to coercion. In comparing the present with the past we may easily mislead ourselves. We know the evils of our own time; they are always

with us. Crimes, casualties and misfortunes make up the budget of our daily news. It is necessarily so. Only exceptional happenings are reported, for what is usual and orderly is not news. It must be remembered, too, that the whole world is comprehended within the columns of our daily paper. The ordinary history of the past deals chiefly, if not entirely, with the large and interesting events, the spectacular and picturesque. Petty affairs, commonplace every-day events are not disclosed, and so everything in the past seems to the casual reader of larger mould and of heroic proportions. For the whole truth we must delve deeper and observe what the people ate and drank, what occupied their hours of labor and what engaged their hours of ease.

#### Restraint is Growing

HE pictures of our social past exhibit a measure of indulgence in drink impossible to the present age. That a Vice-President in our time should own any interest in a hotel where liquor was dispensed was made the occasa distillery excited no comment. Tradition may have exaggerated the intemperance of our public men in the past, but there is much of truth in the stories concerning them. No man in high station today is popular enough to survive a public exhibition of drunkenness. The Pike County ballads of John Hay reflect not unfairly the time to which they relate. We admire Jim Bludso's grim devotion to duty as steadfast amidst the flames of his burning boat,

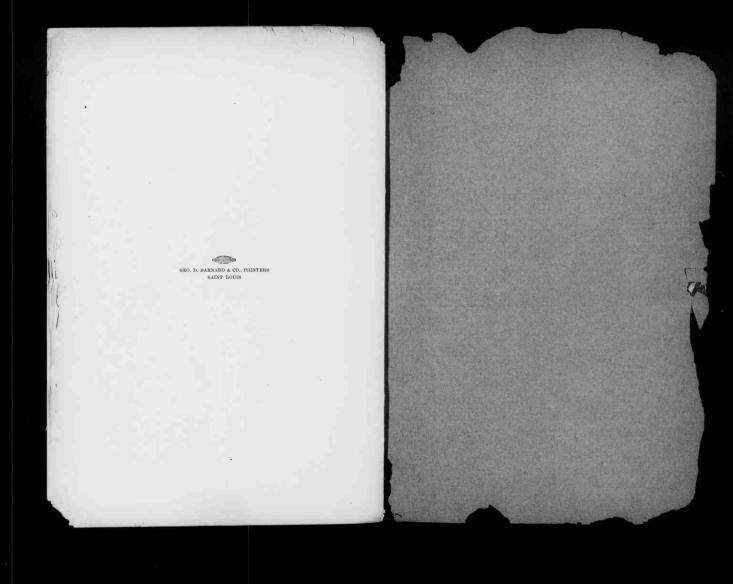
"He held her nozzle agin the bank Till the last galoot was ashore."

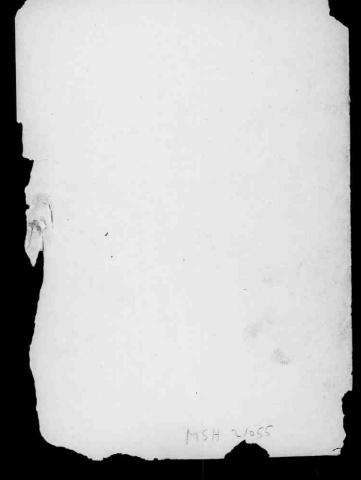
That same devotion to duty is exhibited today, but the man with Bludso's personal habits is now impossible as an engineer, whether upon an ocean steamer, a river packet or a railroad locomotive.

At the beginning of the nineteenth century the habit of drink in this country pervaded the ranks of every calling, the ministry not excepted. Henry Adams, the historian of that time, says that "temperate the people certainly were not, when judged by a modern standard," for "almost every American family, however respectable, could show some victim of intemperance among its men." The historian Rhodes, dealing with a later period, the decade before the civil war, notes a great improvement, and since the war and to the present time, he says, "the tendency toward moderation in the use of alcoholic drinks has been sure." And I appeal to every man in this audience if his own experience and observation do not teach him that modern life, social and industrial, is more and more exacting in its demands for sober habits. Without them social standing and business success have become impossible. Moral and material progress have gone hand in hand. The inventions which have multiplied the productive power of labor demand for their application a high intelligence. A clear head and a steady hand are needed to conduct the forces of steam and electricity, which are in use in all our industries. Church, school, library and museum have contributed their exalting and refining influences, and life is more whole some because it offers to every rank and calling something more than mere sensual attractions.

We have no occasion to turn back upon our course, and we have every inspiration to press forward. The path of freedom has been the path of progress, and though the way be hard and by-paths alluring, let us pursue it to the end.







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